

**REMARKS****I. Status of the Claims**

Claims 1-13 are pending in the present application. New claims 12 and 13 have been added. New claim 12 is supported by the filed specification starting at page 4, line 36 until page 5, lines 1-7. New claim 13 is supported by filed specification at page 4, lines 14-15. No new matter has been entered.

**II. Response to Restriction and Election of Species**

Applicants reserve the right to prosecute the subject matter of the non-elected group and species in a divisional application.

Applicants hereby elect Group I, inclusive of claims 1-9 drawn to a viscous and glassy composition for oral administration comprising itraconazole, an acidifying agent, and amphiphilic additive, a surfactant and an oil, without traverse. Applicants also elect the species of an aqueous solution of phosphoric acid in claim 6; transcitol in claim 7; polyoxyethylene glycolated natural or hydrogenated vegetable oils in claim 8; and tocopherol in claim 9, all without traverse. Because new claim 12 and 13 depend on claim 1 which is part of the elected Group I, it is believed that new claims 12 and 13 will also be examined on the merits.

Applicants note the Examiner's comment regarding rejoinder at page 4 of the Office Communication. Because Applicants have elected Group I which are product claims, it is respectfully submitted that the method claims which are

contained in Group II are to be rejoined with the product claims if the product claims are found allowable.

### CONCLUSION

Applicants believe that this reply is responsive to the outstanding Restriction Requirement. However, should the Examiner wish to further discuss this application, the Examiner is invited to call the undersigned at the Examiner's earliest convenience.

Respectfully submitted  
Attorney for Applicant,

By: 

Eugene Lieberstein  
Registration No. 24,645

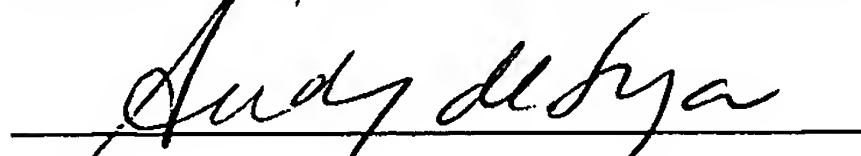
Dated: June 30, 2006

CUSTOMER NO. 01109

ANDERSON KILL & OLICK, P.C.  
1251 Avenue of the Americas  
New York, New York 10020-1182  
(212) 278-1000

### CERTIFICATE OF MAILING

I hereby certify that this *Combined Amendment and Restriction Response* is being deposited with the United States Postal Service via First Class Mail addressed to Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 30, 2006.

  
Audrey de Souza

NYDOCS1-827519.1